



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,365	02/26/2004	Andrew R. Ferlitsch	SLA1455	7953
50735 7590 08/06/2010 AUSTIN RAPP & HARDMAN 170 SOUTH MAIN STREET SUITE 735 SALT LAKE CITY, UT 84101				
EXAMINER				
RAMOS, JAVIER J				
ART UNIT		PAPER NUMBER		
2625				
NOTIFICATION DATE		DELIVERY MODE		
08/06/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@austin-rapp.com

### Office Action Summary

**Application No.**

10/787,365

**Applicant(s)**

FERLITSCH, ANDREW R.

**Examiner**

JAVIER J. RAMOS

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-11, 13-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-4, 6-11, 13-21 and 23-28 are pending in this application.
2. Claims 1, 7, 11, 13, 17, 24 and 28 have been amended [5/21/10].

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 6, 8-11, 14-20, 23 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukai (US 6,466,329 B1) in view of Takahashi et al. (US 6,424,429 B1).**

5. In regards to claims 1 and 17, Mukai teaches a method (**Figs. 2, 3 and 5**) and a computer-readable medium for storing program data (**Fig. 1**), wherein the program data comprises executable instructions for implementing a method in a computing device (**Figs. 2, 3 and 5, the method is enacted by various hardware modules that are governed by executable code**) for providing page description language ("PDL") encapsulated image data from an imaging device (**Fig. 1, Objects 1, 22 and 85; Col. 8, Lines 14-37; Col. 9, Lines 8-20**) that includes a scanner (**Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46**), the method comprising: scanning an image using the scanner to produce scanned image data as part of a scan job (**Fig. 1, Object 400,**

**digital scanner obtaining a scanned image; Col. 8, Lines 38-46);** obtaining document formatting inputs for the scan job from a user interface, the document formatting inputs being configurable at the user interface (**Fig. 1, Object 500, operator control panel; Col. 9, Lines 31-44, formatting inputs related to the document inputted by a user utilizing the control panel);** encapsulating the scanned image data in a page description language using the document formatting inputs for document formatting (**Col. 8, Lines 14-37; Col. 9, Lines 31-44; formatting inputs are placed onto the scanned document which is then converted into PDL format therefore retaining the attributes of the formatting inputs),** wherein the encapsulating occurs at the imaging device (**Fig. 1, Objects 1, 22 and 85; Col. 8, Lines 14-37, the printer controller controls the transformation of the image data into PDL data; Col. 9, Lines 8-20),** and wherein the formatting inputs control how the scanned image data is framed into a document defined by the page description language (**Col. 9, Lines 31-44, formatting inputs are placed onto the scanned document which is then converted into PDL, namely the enlargement/reduction attribute will affect how the image data is framed into the document);** and transmitting the page description language to a computing device from the imaging device (**Fig. 1, Object 600, network interface; Col. 7, Lines 19-22, the PDL based image data is transferred to a database server; Col. 9, Lines 31-35),** wherein the page description language that is transmitted indicates the document formatting inputs for document formatting (**Col. 8, Lines 14-37; Col. 9, Lines 31-44; formatting inputs are placed onto the scanned document**

**which is then converted into PDL format therefore retaining the attributes of the formatting inputs).**

It is noted, however, that Mukai does not specifically teach wherein the document formatting inputs comprise copy function options usable with the scan job, the copy function options controlling the page orientation, page margins, and page size of the scan job. Further, Mukai does not specifically teach wherein the page description language that is transmitted indicates the page size, the page margins, and the page orientation of the scanned image data. It is noted, however, that Mukai does teach wherein the page description language that is transmitted indicates the document formatting inputs for document formatting, as shown above, and therefore would include all applicable settings set by a user in the PDL.

In analogous art, Takahashi teaches wherein document formatting inputs comprise copy function options usable with a scan job, the copy function options controlling page orientation, page margins, and page size of the scan job **(Col. 14, Line 38 to Col. 15, Line 31, margin, size and orientation settings for a copier which performs “scan” jobs by way of using a scanner).**

Mukai teaches a base method of processing image data from an imaging device upon which the claimed invention can be seen as an improvement. The prior art of Takahashi contains a known technique of adding increased options to allow a user to control the processing of a document, that is applicable to the base method of Mukai. Specifically, Mukai teaches a system that scans an input document into a file **(Col. 9, Lines 21-44)** that can be in PDL format. Mukai even teaches various user controlled

operations of the system which are used to format the operation and output of the system (**Col. 9, Lines 21-44**). Therefore, one of ordinary skill in the art, at the time of the invention, would have recognized that applying the known technique of Takahashi to the method of Mukai would have yielded predictable results and the results would have improved the method of Mukai by expanding user control of the processing of image data by allowing a user to dictate the layout properties of a document to be created (**Takahashi: Col. 14, Line 38 to Col. 15, Line 31**) and therefore would have allowed the output PDL file to be formatted more extensively. See MPEP §§ 2141 & 2143.

6. In regards to claims 2 and 19, Mukai teaches the document formatting inputs are obtained from a control panel on the imaging device (**Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44**).

7. In regards to claims 3 and 20, Mukai teaches the document formatting inputs are obtained from a local user interface (**Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44**).

8. In regards to claims 6 and 23, Mukai teaches the imaging device is a multi-function peripheral (**Fig. 1, Object 1, digital multi-function peripheral**).

9. In regards to claims 8, 14 and 25, Mukai teaches the imaging device comprises a multi-function peripheral (**Fig. 1, Object 1, digital multi-function peripheral**), wherein

the document formatting inputs are obtained from a control panel on the multi-function peripheral (**Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44**) and wherein the control panel is also used for a user input for a copy function of the multi-function peripheral (**Col. 9, Lines 36-44**).

10. In regards to claims 9, 15 and 26, Mukai teaches the page description language is a language selected from the group consisting of a portable document format (PDF), postscript (PS), printer control language (PCL), HP GL/2, IBM IPDS, IBM SCS, Epson EscP and DDIF (**Col. 2, Lines 33-42**).

11. In regards to claims 10, 16 and 27, Mukai teaches the page description language comprises document wide properties, page delimitation properties, page properties and one or more drawing elements (**Col. 2, Lines 33-43; Col. 9, Lines 31-44; the formatting inputs are placed onto the scanned document which is then converted into PDL format therefore retaining the attributes of the formatting inputs**).

12. In regards to claim 11, Mukai teaches an imaging device that comprises a scanner (**Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46**), wherein the imaging device provides page description language ("PDL") encapsulated image data (**Fig. 1, Objects 1, 22 and 85; Col. 8, Lines 14-37; Col. 9, Lines 8-20**), the imaging device comprising: a processor for control of the imaging device (**Fig. 1, Objects 200, 300, 700 and 800**); memory in electronic communication with the processor (**Fig. 1,**

**Object 90**); a scanner in electronic communication with the processor (**Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46**); a control panel for operation of the imaging device by a user, wherein the control panel is in electronic communication with the processor for receiving user inputs (**Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44**); and executable instructions executable by the processor (**Figs. 2, 3 and 5, the method is enacted by various hardware modules that are governed by executable code**), wherein the instructions are executable to: scan an image using the scanner to produce scanned image data as part of a scan job (**Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46**); obtain document formatting inputs for the scan job from the control panel, the document formatting inputs being configurable at the user interface (**Fig. 1, Object 500, operator control panel; Col. 9, Lines 31-44, formatting inputs related to the document inputted by a user utilizing the control panel**); and encapsulate the scanned image data in a page description language using the document formatting inputs for document formatting (**Col. 8, Lines 14-37; Col. 9, Lines 31-44; formatting inputs are placed onto the scanned document which is then converted into PDL format therefore retaining the attributes of the formatting inputs**), wherein the encapsulating occurs at the imaging device (**Fig. 1, Objects 1, 22 and 85; Col. 8, Lines 14-37, the printer controller controls the transformation of the image data into PDL data; Col. 9, Lines 8-20**), and wherein the formatting inputs control how the scanned image data is framed into a document defined by the page description language (**Col. 9, Lines 31-44, formatting inputs are placed onto the scanned document which is then converted into PDL, namely the**



**enlargement/reduction attribute will affect how the image data is framed into the document), wherein the page description language that is transmitted indicates the document formatting inputs for document formatting (Col. 8, Lines 14-37; Col. 9, Lines 31-44; formatting inputs are placed onto the scanned document which is then converted into PDL format therefore retaining the attributes of the formatting inputs).**

It is noted, however, that Mukai does not specifically teach wherein the document formatting inputs comprise copy function options usable with the scan job, the copy function options controlling the page orientation, page margins, and page size of the scan job. Further, Mukai does not specifically teach wherein the page description language that is transmitted indicates the page size, the page margins, and the page orientation of the scanned image data. It is noted, however, that Mukai does teach wherein the page description language that is transmitted indicates the document formatting inputs for document formatting, as shown above, and therefore would include all applicable settings set by a user in the PDL.

In analogous art, Takahashi teaches wherein document formatting inputs comprise copy function options usable with a scan job, the copy function options controlling page orientation, page margins, and page size of the scan job **(Col. 14, Line 38 to Col. 15, Line 31, margin, size and orientation settings for a copier which performs “scan” jobs by way of using a scanner).**

Mukai teaches a base method of processing image data from an imaging device upon which the claimed invention can be seen as an improvement. The prior art of

Takahashi contains a known technique of adding increased options to allow a user to control the processing of a document, that is applicable to the base method of Mukai. Specifically, Mukai teaches a system that scans an input document into a file (**Col. 9, Lines 21-44**) that can be in PDL format. Mukai even teaches various user controlled operations of the system which are used to format the operation and output of the system (**Col. 9, Lines 21-44**). Therefore, one of ordinary skill in the art, at the time of the invention, would have recognized that applying the known technique of Takahashi to the method of Mukai would have yielded predictable results and the results would have improved the method of Mukai by expanding user control of the processing of image data by allowing a user to dictate the layout properties of a document to be created (**Takahashi: Col. 14, Line 38 to Col. 15, Line 31**) and therefore would have allowed the output PDL file to be formatted more extensively. See MPEP §§ 2141 & 2143.

13. In regards to claim 18, Mukai teaches the image data is obtained from a scanner of the imaging device (**Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46**).

14. In regards to claim 28, Mukai, as modified by Takahashi, teaches wherein page description language (**Mukai: Col. 8, Lines 14-37; Col. 9, Lines 31-44; formatting inputs are placed onto the scanned document which is then converted into PDL format therefore retaining the attributes of the formatting inputs**) indicating the page size, the page margins, and the page orientation (**Takahashi: Col. 14, Line 38 to Col. 15, Line 31**) that is transmitted is identical to that which would have been obtained

if the original operation was a copy job instead of a scan job (**Since operations are used that can be considered to be from a copy job that outputs a hardcopy or a "scan" job that outputs an electronic file instead of a hard copy, the setting information between the two operations for the settings in question will be the same, the Applicant is invited to further explain the differences between a scan and a copy job as to possibly read over the cited prior art and current interpretation by the Examiner).**

15. Claims 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukai (US 6,466,329 B1) in view of Takahashi et al. (US 6,424,429 B1), as applied to claims 1 and 17, further in view of Lavender et al. (US 2002/0114021 A1).

16. In regards to claims 4 and 21, Mukai, as modified by Takahashi, teaches the document formatting inputs are obtained from a user interface (**Mukai: Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44).**

It is noted however, that Mukai, as modified by Takahashi, does not specifically teach the document formatting inputs are obtained from a remote user interface.

In analogous art, Lavender et al. (hereafter Lavender) teaches the document formatting inputs are obtained from a remote user interface (**Fig. 1, Object 22; [0018], scanner computer is a remote user interface that sends parameters to the scanner; [0014]).**

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Mukai, as modified by Takahashi, by receiving document formatting inputs via a remote user interface, as taught by Lavender, in order to allow a user to control the input parameters of the imaging device from a remote location (**Lavender: [0018]**), therefore making the formatting input operation of the imaging device independent of geographic constraints.

**17. Claims 7, 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukai (US 6,466,329 B1) in view of Takahashi et al. (US 6,424,429 B1), as applied to claims 1, 11 and 17, further in view of Bonk et al. (US 5,493,634).**

18. In regards to claims 7, 13 and 24, Mukai, as modified by Takahashi, teaches the document formatting inputs comprise a scale input, a placement input, a pagination input, a page delimitation input (**Mukai: Col. 9, Lines 36-44**).

It is noted however, that Mukai, as modified by Takahashi, does not specifically teach a number of images per page input, a page order input, a document style input, a post collation operations input.

In analogous art, Bonk et al. (hereafter Bonk) teaches a number of images per page input, a page order input, a document style input, a post collation operations input (**Figs. 7 and 13**).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Mukai, as modified by Takahashi, by adding additional document formatting inputs, as taught by Bonk, in order to increase the user's control of the final output of the scanned document within the apparatus. Further, both Mukai and Bonk are in the same field of endeavor of printing machines that use PDL based information to print (**Mukai: Fig. 1; Bonk: Figs. 1-3B**).

### ***Response to Arguments***

19. Applicant's arguments filed on 5/21/10 have been fully considered but they are not persuasive. The Applicant repeatedly argues against the previously cited combination of prior art by attacking the references in a singular manner when the instant claims are rejected in a §103(a) combination. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Examiner understands that the Applicant is attempting to narrow the scope of the claims and recommends that the applicant further differentiate between a "scan" job and a "copy" job. It is suggested that the Applicant explicitly show how a "scan" job as claimed is different from performing a copy to file operation on a device, such as those found in either Mukai or Castle (US 2005/0012956 A1 – briefly described below in the Conclusion).

20. Further, the Applicant's arguments with respect to the Constantin reference have been considered but are moot in view of the new ground(s) of rejection not relying upon the Constantin reference.

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. US 2005/0012956 A1 – details a system where a digital copier is used as a host/hub for other printing devices and therefore the system can perform “scanning” functions (which can be defined as a copying function that sends the output of the local scan to an external device for printing) using copying settings/parameters that form a “print ready output data stream” (PDL) that is sent to an external device.

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAVIER J. RAMOS whose telephone number is (571) 270-3947. The examiner can normally be reached on Monday to Thursday - 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Javier J Ramos/  
Examiner, Art Unit 2625

/Benny Q Tieu/  
Supervisory Patent Examiner, Art Unit 2625